



05-26-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)
)
MINHAZUDDIN, Munezb)
)
Serial No.: 10/776,894)
)
Filed: February 10, 2004)
)
Atty. File No.: 4366-159)
)
For: "WAN KEEPER EFFICIENT)
BANDWIDTH MANAGEMENT")

Group Art Unit:

Examiner:

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

"EXPRESS MAIL" MAILING LABEL NUMBER: EV368038254US
DATE OF DEPOSIT: 5/24/04

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte
SIGNATURE: *Amy S. Duarte*

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in

accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d),

because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are

believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is drawn to the following co-pending applications, copies of which are being submitted herewith:

Serial No. 10/459,948 filed June 12, 2003; and

Serial No. 10/460,700 filed June 12, 2003.

☐ Other: _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in

the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 40px;"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 40px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 40px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. </div> <p style="text-align: center;">OR</p> <div style="margin-left: 40px;"> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 40px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) </div> <p style="text-align: center;">AND</p> <div style="margin-left: 40px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </div>

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

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Date: May 24, 2004

SHEET 1 OF 2

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4366-159	SERIAL NO. 10/776,894
	APPLICANT MINHAZUDDIN, Munejb	
	FILING DATE February 10, 2004	GROUP ART

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1.	10/459,948		Adhikari et al.			06/12/03
	2.	10/460,700		Adhikari et al.			06/12/03

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	3.	"Omegon Unveils NetAlly Solution; Industry-First Fully Active Service Quality Assurance Platform Assures Customers Unprecedented Levels of Network Availability and Reliability," available at http://www.itsecurity.com/tecsnews/sep2000/sep517.htm (September 2000), pp. 1-3.
	4.	"Chariot VoIP Assessor Version 1.0," http://www.tmcnet.com/it/0302/0302labs5.htm (March 2002), pp. 1-4.
	5.	"VoIP Management and Network Testing," http://www.netiq.com/solutions/voip/default.asp , pp. 1-3, 2002.
	6.	"Chariot," http://www.netiq.com/products/chr/ , pp. 1-2, 2002.
	7.	"VoIP Test Module for Chariot," http://www.netiq.com/products/chr/voipmodule.asp , pp. 1-2, 2002.
	8.	Telchemy, Inc., "Monitoring Voice Quality in Voice Over IP Networks," 3 pages, 2001.
	9.	Telchemy, Inc., "Bringing Intelligence to Networks," http://www.telchemy.com/ , pp. 1-5, 2001.
	10.	Viola Networks, "NetAlly® VoIP - VoIP Readiness Testing and Deployment," available at http://www.omega.com/netally_voip.asp (2002), pp. 1-4.
	11.	Moshe Sidi et al., "Converged Network Performance Verification and e-Support Using NetAlly®," <u>Omegon Networks Ltd.</u> , (June 2001), pp. 1-13.
	12.	Moshe Sidi et al., "Converged Network Performance Verification and e-Support Using NetAlly®," <u>Omegon Networks Ltd.</u> , (June 2001), pp. 1-13.
	13.	Moshe Sidi, "Reality-based VoIP Readiness Testing Using NetAlly® VoIP," Viola Networks (April 2002), pp. 1-10.
	14.	Moshe Sidi, "Readying Your Network for VoIP: Get it Right the First Time," Viola Networks (April 2002), pp. 1-9.
	15.	J.Q. Walker, "A Handbook for Successful VoIP Deployment: Network Testing, QoS, and More," NetIQ Corporation, (2002), pp. 1-13.

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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16.	"NetIQ Vivinet Diagnostics," available at http://www.netiq.com/products/vd/default.asp (1993-2003), pp. 1-2.
17.	"NetIQ - Checklist of VoIP Network Design Tips," NetIQ Corporation (2002), 3 pages.
18.	Brix Networks, "Library," available at http://www.brixnet.com/library/library_register.cfm (2003), 1 page.
19.	Brix Networks, "The Brix System," available at http://www.brixnet.com/products/products_overview.html (2003), 1 page.
20.	Y. Breitbart et al., "Topology Discovery in Heterogeneous IP Networks," Proceedings of IEEE Infocom 2000 (March 2000), 10 pages.
21.	B. Huffaker et al., "Topology Discovery by Active Probing," CAIDA (2002), 8 pages.
22.	M.R. Meiss et al., "Standards-Based Discovery of Switched Ethernet Topology," Advanced Network Management Lab, (April 2002), pp. 1-20.
23.	R. Siamwalla et al., "Discovering Internet Topology," Cornell University (July 1998), pp. 1-16.

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